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OFFICE OF PETITIONS

In re Application of
Mitsunori Sakama, et al.
Application No. 10/669,284
Filed: September 24, 2003
Attorney Docket No. 0553-0185.01

DECISION GRANTING
PETITION

This is a decision on the petition filed April 22, 2004, under 37 CFR 1.182 requesting that the above-identified application be accepted as complete and accorded a filing date of September 24, 2003.

The petition is **granted**.

The instant application papers were filed on September 24, 2003. However, on February 22, 2004, the Office of Initial Patent Examination sent a Notice (of Omitted Items) stating that while a filing date had been granted, page 32 of the specification was missing.

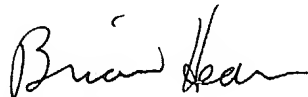
In reply, a copy of page 32, a copy of an itemized postcard receipt for the above-identified provisional application papers bearing a USPTO date stamp of September 22, 2003, indicating the USPTO had received a specification including 56 pages, and the instant petition were filed on April 22, 2004. Petitioners assert, as shown by the postcard receipt, that the purportedly missing page 32 was in fact among the papers received by the USPTO on September 24, 2003.

Per MPEP 503, as an adequately itemized postcard receipt will serve as *prima facie* evidence of receipt of all items listed thereon, the petition is **granted**. The Notice of February 22, 2004, was mailed in error and is **vacated**. The error is regretted.

As no fee is owed due to the USPTO error, no petition fee has been charged.

The Office of Initial Patent Examination, Customer Corrections, is being instructed to further process this application as a complete nonprovisional application with an indication on the filing receipt that 56 pages of specification were present on filing, using the copy of the specification page 32 filed on April 22, 2004.

Telephone inquiries concerning this matter may be directed to Marianne Morgan at (703) 306-3475.

A handwritten signature in dark ink, appearing to read "Brian Hearn". The signature is fluid and cursive, with the first name "Brian" being more legible than the last name "Hearn".

Brian Hearn
Senior Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
For Patent Examination Policy